



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

March 11, 1991

Mr. Arthur Navarro  
Chairman of the Board  
Texas Housing Agency  
P. O. Box 13941, Capitol Station  
Austin, Texas 78711-3941

OR91-129

Dear Mr. Navarro:

The Texas Housing Agency has received a request for a copy of an internal audit. You state that the agency would like to release the report. You are concerned, however, that the Open Records Act may prohibit the agency from releasing the report.

You note that some of the information in the audit may be within the scope of section 3(a)(11) of the Open Records Act, which protects advice, opinion, and recommendation. A governmental body has discretion, however, to release information within the scope of section 3(a)(11).

The officer for public records may in any instance within his discretion make public any information protected under the exceptions contained within Section 3, Subsection (a), that is not deemed confidential by law.

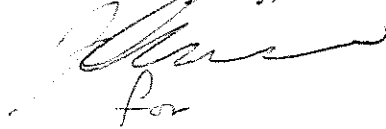
V.T.C.S. art. 6252-17a, § 3(c).

You also ask whether the audit contains information deemed confidential by law. You bring no statutory provision to our attention that would make the audit confidential, and we are aware of none. Further, we find nothing in the audit that would come within the scope of common-law or constitutional privacy.

Finally, you ask about release of the audit to legislators. The Open Records Act does not authorize governmental bodies to withhold information from legislators to use for legislative purposes. *Id.* §§ 3(b), 14(c).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-129.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'Sarah Woelk', with a stylized flourish at the end.

Sarah Woelk  
Assistant Attorney General  
Opinion Committee

SW/lcd

Ref.: ID# 11734, 11762